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PART—III-A-- Ordinances promulgated by the Governor of Tripura under the Constitution of India.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

No. F.8(10)-Law/Leg-I/2018/_____ Dated, Agartala, the 18th August, 2018.

NOTIFICATION

The following Ordinance is promulgated by the Governor of Tripura on the 14th August, 2018 and is hereby published for General information.

D.M.Jamatia
L.R. & Secretary, Law
Government of Tripura

[THE TRIPURA ORDINANCE NO. 3 OF 2018]

THE TRIPURA AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES AND BENEFITS) ORDINANCE,2018

Promulgated by the Governor of Tripura in the Sixty ninth year of the Republic of India

An Ordinance to provide for, as a good governance measure, efficient, transparent and targeted delivery of subsidies and benefits to the individuals residing in the State of Tripura using Aadhaar number as a sole identifier, and for matters connected therewith and incidental thereto.

WHEREAS, the house of the Tripura Legislative Assembly is not in session;
AND WHEREAS, the Governor is satisfied that the circumstance exists, which renders it necessary for him to take immediate action;
NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Tripura is hereby pleased to promulgate the following Ordinance namely:-

Short title and commencement

1.(1) This may be called the "Tripura Aadhaar (Targeted Delivery of Financial and Other Subsidies and Benefits) Ordinance,2018"

(2) This shall come into force atone.

Definition

2.(1) In this Ordinance, unless the contexts otherwise requires,-

(a) "Aadhaar number"means an identification number issued to an individual under sub-section (3) of section 3 of the Central Act;

(b) "Agency of the State Government"means any authority or body established or constituted by any Central or a State Law in the State of Tripura including the local bodies, and any other body owned and controlled by the State Government and includes the bodies whose composition and administration are predominantly controlled by the State Government;

(c) "authentication"means the process by which the Aadhaar number alongwith demographic information or biometric information of an individual is submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness, or the lack thereof, on the basis of information available with it;

(d) "benefit"means any advantage, gift, reward, relief or payment, in cash or kind, provided to an individual or group of individuals and includes such other benefits, as the State Government may by notification in the *Official Gazette*, specify, from time to time;

(e) " biometric information"means photograph, finger print, Iris scan, or such other biological attributes of an individual specified by the Central Act;

(f) " Central Act "means the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act,2016;

(g) " Central Identities Data Repository "means a centralised database in one or more locations containing all Aadhaar numbers issued to Aadhaar number holders along with the corresponding demographic information and biometric information of such individuals and other information related thereto;

(h) "Consolidated Fund of State "means a Consolidated Fund of State of Tripura;

(i) " demographic information "includes information relating to the name, date of birth, address and other relevant information of an individual as per the provisions of Central Act, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history;

(j) "enrolment" means the process to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar number to individual as provided under the Central Act;

(k) "Government "means the Government of Tripura;

(l) "prescribed "means prescribed by the rules made under this Ordinance;

(m) "service "means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as the State Government may, by notification in the *Official Gazette*, specify;

(n) "subsidy "means any form of aid, support, grant, subvention or appropriation, in cash or kind, to an individual or a group of individuals and includes such other services as the State Government may, by notification in the *Official Gazette*, specify;

(2) Words and expressions used in this Ordinance but not defined shall have the meanings as respectively assigned to them under the Central Act.

Proof of Aadhaar number necessary for receipt of certain subsidies and benefits etc.

3. The State Government or, as the case may be, any agency of the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy and financial benefits for which the expenditure is incurred entirely by way of withdrawal from, or the receipt therefrom forms part of the Consolidated Fund of the State, or any fund set up by any agency of the State Government, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or, in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment;

Provided that, till such time an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefits etc.

Notifying Schemes by State Government

4. The State Government shall, within a period of three months from the date of commencement of this Ordinance, and thereafter, from time to time, by notification in the *Official Gazette*, specify the list of schemes, subsides, benefits for which such authentication or proof shall be required as per section 3.

Application of Chapters III and VI of Central Act.

5. The provisions of Chapter III and Chapter VI of the Central Act shall *mutatis mutandis* apply to authentication under this Ordinance.

3-4 Ordinance to be in addition and not in derogation of any other law.

6. The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Protection of action taken in good faith.

7. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer, or other employees of the State Government for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

Power to make rules

8. (1) The state Government may, by notification in the *Official Gazette*, make rules generally for carrying out purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) specifying the manner of use of Aadhaar number for the purposes of providing or availing of various subsidies and financial benefit for which Aadhaar number may be used;

(b) any other matter which is required to be, or may be, specified, or in respect of which provision is required to be made by rules.

(3) All the rules made under this Ordinance shall be laid before the State Legislature, as soon as after they are made.

Sd/-
SRI TATHAGATA ROY
GOVERNOR OF TRIPURA.